



House of Representatives

General Assembly

File No. 755

January Session, 2011

House Bill No. 6595

House of Representatives, May 5, 2011

The Committee on Appropriations reported through REP. WALKER of the 93rd Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 1-2b of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2011*):

4 (a) For purposes of sections 1-100oo, 1-206, 2-71r, 4-183, 4a-52a, 4a-
5 60q, 4a-63, 4a-100, 4e-34, 4e-35, 7-65, 7-148w, 7-247a, 7-473c, 7-478e, 8-
6 3b, 8-3i, 8-7d, 8-26b, 8-169r, 8-293, 9-388, 9-608, 9-623, 10a-22c, 10a-22i,
7 10a-34a, 10a-109n, 12-35, 12-157, 12-242ii, 12-242jj, 13a-80, 13a-85c, 13a-
8 123, 15-11a, 16-41, 16-50c, 16-50d, 17a-103b, 19a-87, 19a-87c, 19a-209c,
9 19a-332e, 19a-343a, 19a-486a, 19a-486c, 19a-486d, 19a-497, 19a-507b, 20-
10 205a, 20-325a, 21-63, 21-80, 22-7, 22a-6b, 22a-6u, 22a-30, 22a-42d, 22a-
11 42f, 22a-66d, 22a-137, 22a-178, 22a-225, 22a-228, 22a-250, 22a-285b, 22a-
12 354p, 22a-354s, 22a-354t, 22a-361, 22a-371, 22a-401, 22a-403, 22a-433,
13 22a-436, 22a-449f, 22a-449l, 22a-449n, 22a-504, 22a-626, 23-46, 23-65j, 23-
14 651, 23-65p, 25-32, 25-32e, 25-331, 25-34, 25-204, 25-234, 29-108d, 31-57c,

15 31-57d, 31-355, 32-613, 33-663, 33-929, 33-1053, 33-1219, 34-521, 35-42,
16 36a-50, 36a-51, 36a-52, 36a-53, 36a-82, 36a-184, 36a-493, 36b-62, 36b-72,
17 38-323a, 38a-344, 38a-676, 38a-724, 38a-788, 42-158j, 42-161, 42-181, 42-
18 182, 42-186, 42-271, 45a-716, [46a-82e,] 46b-115w, 46b-128, 47-42d, 47-
19 74f, 47-88b, 47-236, 47-284, 47a-11b, 47a-11d, 47a-13a, 47a-14h, 47a-56b,
20 49-2, 49-4a, 49-8, 49-8a, 49-10b, 49-31b, 49-51, 49-70, 51-90e, 52-57, 52-
21 59b, 52-63, 52-64, 52-195c, 52-350e, 52-351b, 52-361a, 52-362, 52-565a,
22 52-605, 52-606, 53-401, 53a-128, 53a-128d, 53a-207 and 54-82c and
23 chapter 965, any reference to certified mail, return receipt requested,
24 shall include mail, electronic, and digital methods of receiving the
25 return receipt, including all methods of receiving the return receipt
26 identified by the Mailing Standards of the United States Postal Service
27 in Chapter 500 of the Domestic Mail Manual or any subsequent
28 corresponding document of the United States Postal Service.

29 Sec. 2. Subsection (b) of section 4-61dd of the general statutes is
30 repealed and the following is substituted in lieu thereof (*Effective*
31 *October 1, 2011*):

32 (b) (1) No state officer or employee, as defined in section 4-141, no
33 quasi-public agency officer or employee, no officer or employee of a
34 large state contractor and no appointing authority shall take or
35 threaten to take any personnel action against any state or quasi-public
36 agency employee or any employee of a large state contractor in
37 retaliation for such employee's or contractor's disclosure of
38 information to (A) an employee of the Auditors of Public Accounts or
39 the Attorney General under the provisions of subsection (a) of this
40 section; (B) an employee of the state agency or quasi-public agency
41 where such state officer or employee is employed; (C) an employee of
42 a state agency pursuant to a mandated reporter statute or pursuant to
43 subsection (b) of section 17a-28; or (D) in the case of a large state
44 contractor, an employee of the contracting state agency concerning
45 information involving the large state contract.

46 (2) If a state or quasi-public agency employee or an employee of a
47 large state contractor alleges that a personnel action has been

48 threatened or taken in violation of subdivision (1) of this subsection,
49 the employee may notify the Attorney General, who shall investigate
50 pursuant to subsection (a) of this section.

51 (3) (A) Not later than thirty days after learning of the specific
52 incident giving rise to a claim that a personnel action has been
53 threatened or has occurred in violation of subdivision (1) of this
54 subsection, a state or quasi-public agency employee, an employee of a
55 large state contractor or the employee's attorney may file a complaint
56 concerning such personnel action with the Chief Human Rights
57 Referee designated under section 46a-57. The Chief Human Rights
58 Referee shall (i) assign the complaint to a human rights referee
59 appointed under section 46a-57, who shall conduct a hearing and issue
60 a decision concerning whether the officer or employee taking or
61 threatening to take the personnel action violated any provision of this
62 section, and (ii) provide the supervising attorney of the Commission
63 on Human Rights and Opportunities with a copy of the complaint by
64 first class mail, facsimile machine, electronic mail or a file transfer
65 protocol site. If the human rights referee finds such a violation, the
66 referee may award the aggrieved employee reinstatement to the
67 employee's former position, back pay and reestablishment of any
68 employee benefits for which the employee would otherwise have been
69 eligible if such violation had not occurred, reasonable attorneys' fees,
70 and any other damages. For the purposes of this subsection, such
71 human rights referee shall act as an independent hearing officer. The
72 decision of a human rights referee under this subsection may be
73 appealed, [by any person who was a party at such hearing,] in
74 accordance with the provisions of section 4-183, by (I) any person who
75 was a party at such hearing, or (II) the Commission on Human Rights
76 and Opportunities.

77 (B) The Chief Human Rights Referee shall adopt regulations, in
78 accordance with the provisions of chapter 54, establishing the
79 procedure for filing complaints and noticing and conducting hearings
80 under subparagraph (A) of this subdivision.

81 (4) As an alternative to the provisions of subdivisions (2) and (3) of
82 this subsection: (A) A state or quasi-public agency employee who
83 alleges that a personnel action has been threatened or taken may file an
84 appeal not later than thirty days after learning of the specific incident
85 giving rise to such claim with the Employees' Review Board under
86 section 5-202, or, in the case of a state or quasi-public agency employee
87 covered by a collective bargaining contract, in accordance with the
88 procedure provided by such contract; or (B) an employee of a large
89 state contractor alleging that such action has been threatened or taken
90 may, after exhausting all available administrative remedies, bring a
91 civil action in accordance with the provisions of subsection (c) of
92 section 31-51m.

93 (5) In any proceeding under subdivision (2), (3) or (4) of this
94 subsection concerning a personnel action taken or threatened against
95 any state or quasi-public agency employee or any employee of a large
96 state contractor, which personnel action occurs not later than one year
97 after the employee first transmits facts and information concerning a
98 matter under subsection (a) of this section to the Auditors of Public
99 Accounts or the Attorney General, there shall be a rebuttable
100 presumption that the personnel action is in retaliation for the action
101 taken by the employee under subsection (a) of this section.

102 (6) If a state officer or employee, as defined in section 4-141, a quasi-
103 public agency officer or employee, an officer or employee of a large
104 state contractor or an appointing authority takes or threatens to take
105 any action to impede, fail to renew or cancel a contract between a state
106 agency and a large state contractor, or between a large state contractor
107 and its subcontractor, in retaliation for the disclosure of information
108 pursuant to subsection (a) of this section to any agency listed in
109 subdivision (1) of this subsection, such affected agency, contractor or
110 subcontractor may, not later than ninety days after learning of such
111 action, threat or failure to renew, bring a civil action in the superior
112 court for the judicial district of Hartford to recover damages, attorney's
113 fees and costs.

114 Sec. 3. Section 46a-55 of the general statutes is repealed and the
115 following is substituted in lieu thereof (*Effective October 1, 2011*):

116 (a) The executive director, through the supervising attorney, shall
117 assign a commission legal counsel to represent the commission in any
118 proceeding wherein any state agency or state officer is an adversary
119 party and in such other matters as the commission and the Attorney
120 General may jointly prescribe.

121 (b) The executive director, through the supervising attorney, may
122 assign a commission legal counsel to represent the commission in any
123 hearing or appeal under subdivision (3) of subsection (b) of section 4-
124 61dd, as amended by this act.

125 Sec. 4. Subsection (b) of section 46a-82c of the general statutes is
126 repealed and the following is substituted in lieu thereof (*Effective*
127 *October 1, 2011*):

128 (b) The time frame contained in subsection (b) of section 46a-83, as
129 amended by this act, to conduct a merit assessment review [of the file]
130 shall be tolled if an answer is not timely received from the date the
131 respondent's answer is due pursuant to subsection (a) of section 46a-
132 83, as amended by this act, until the date the answer is actually
133 received by the commission.

134 Sec. 5. Subsection (b) of section 46a-82e of the general statutes is
135 repealed and the following is substituted in lieu thereof (*Effective*
136 *October 1, 2011*):

137 (b) The commission shall report annually to the judiciary committee
138 of the General Assembly and the Governor: (1) The number of cases in
139 the previous fiscal year that exceeded the time frame, including
140 authorized extensions, set forth in subsection [(d)] (e) of section 46a-83,
141 as amended by this act; (2) the reasons for the failure to comply with
142 the time frame; (3) the number of actions brought pursuant to
143 subsection (d) of this section and the results thereof; and (4) the
144 commission's recommendations for legislative action, if any, necessary

145 for the commission to meet the statutory time frame.

146 Sec. 6. Subsection (c) of section 46a-82e of the general statutes is
147 repealed and the following is substituted in lieu thereof (*Effective*
148 *October 1, 2011*):

149 (c) If a complaint has been pending for more than twenty-one
150 months from the date of filing and the commission has not issued a
151 finding of reasonable cause or no reasonable cause, the executive
152 director shall [send a notice by certified mail, return receipt requested,
153 advising the complainant of his] notify the complainant by first class
154 mail, facsimile machine, electronic mail or a file transfer protocol site
155 that the complainant has the right to request a release of jurisdiction in
156 accordance with section 46a-101, as amended by this act. The executive
157 director or [his] the executive director's designee shall investigate the
158 cause for the delay in issuing a finding. After such investigation, the
159 executive director may, given the facts and circumstances of the case,
160 schedule a date certain for issuance of a finding of reasonable cause or
161 no reasonable cause.

162 Sec. 7. Section 46a-83 of the general statutes is repealed and the
163 following is substituted in lieu thereof (*Effective October 1, 2011*):

164 (a) Within twenty days after the filing of any discriminatory practice
165 complaint pursuant to subsection (a) or (b) of section 46a-82, or an
166 amendment to such complaint adding an additional respondent, the
167 commission shall [cause the complaint to be served upon the
168 respondent together with a notice (1) identifying the alleged
169 discriminatory practice, and (2)] provide the respondent by first class
170 mail, facsimile machine, electronic mail or a file transfer protocol site
171 with the complaint and a notice advising of the procedural rights and
172 obligations of a respondent under this chapter. The respondent shall
173 file a written answer to the complaint under oath with the commission
174 within thirty days of receipt of the complaint, provided a respondent
175 may request, and the commission may grant, for good cause shown,
176 one extension of time of fifteen days within which to file an answer to
177 a complaint. The answer to any complaint alleging a violation of

178 section 46a-64c or 46a-81e shall be filed within ten days of receipt.

179 (b) Within ninety days of the filing of the respondent's answer to the
180 complaint, the executive director or the executive director's designee
181 shall conduct a merit assessment review. [the file.] The merit
182 assessment review shall include the complaint, the respondent's
183 answer and the responses to the commission's requests for
184 information, if any, and the complainant's comments, if any, to the
185 respondent's answer and information responses. If the executive
186 director or the executive director's designee determines that the
187 complaint fails to state a claim for relief or is frivolous on its face, that
188 the respondent is exempt from the provisions of this chapter or that
189 there is no reasonable possibility that investigating the complaint will
190 result in a finding of reasonable cause, [the complaint shall be
191 dismissed.] the executive director or the executive director's designee
192 shall dismiss the complaint and send notice of dismissal pursuant to
193 section 46a-86a, as amended by this act. Within fifteen days of the
194 sending of the notice of dismissal, the complainant may request a
195 release of jurisdiction allowing the complainant to bring a civil action
196 under section 46a-100. If the complainant does not request a release of
197 jurisdiction, commission legal counsel shall conduct a legal review of
198 any complaint dismissed pursuant to this subsection and shall
199 reinstate or deny reinstatement of the complaint within sixty days of
200 the sending of the notice of dismissal. The executive director or the
201 executive director's designee shall send notice of any action taken
202 pursuant to the merit assessment review and the legal review
203 conducted pursuant to this subsection in accordance with section 46a-
204 86a, as amended by this act. This subsection shall not apply to any
205 complaint alleging a violation of section 46a-64c or 46a-81e. The
206 executive director shall report the results of the [executive director's
207 determinations] merit assessment reviews made pursuant to this
208 subsection to the commission quarterly during each year.

209 (c) (1) If a complaint is not dismissed after the merit assessment
210 review pursuant to subsection (b) of this section or if a complaint is
211 reinstated after legal review pursuant to said subsection (b), the

212 executive director or designee shall assign an investigator or
213 commission legal counsel to hold a mandatory mediation conference
214 within sixty days of sending notice of action taken pursuant to the
215 merit assessment review or legal review. The mandatory mediation
216 conference may be scheduled for the same time as a fact-finding
217 conference held pursuant to subsection (d) of this section. The
218 mediator may hold additional mediation conferences to accommodate
219 settlement discussions.

220 (2) If the complaint is not resolved after the mandatory mediation
221 conference, the complainant, the respondent or the commission may
222 request early legal intervention. If a request for early legal intervention
223 is made, the executive director or the executive director's designee
224 shall determine within ninety days of the request whether (A) the
225 complaint should be heard pursuant to section 46a-84, as amended by
226 this act, (B) the complaint should be processed pursuant to subsection
227 (d) of this section, or (C) the complainant should be released from the
228 jurisdiction of the commission. In making such determination, the
229 executive director or the executive director's designee may hold
230 additional proceedings and may utilize commission staff. If the
231 executive director or the executive director's designee determines that
232 the complaint should be processed pursuant to subsection (d) of this
233 section, the executive director or the executive director's designee may
234 recommend that the investigator make a finding of no reasonable
235 cause. If the executive director or the executive director's designee
236 recommends that the investigator make a finding of no reasonable
237 cause, the investigator shall make such a finding unless the
238 investigator believes the executive director or the executive director's
239 designee made a mistake of fact. If the investigator intends to make a
240 finding of reasonable cause after the executive director or the executive
241 director's designee recommends otherwise, the investigator shall
242 consult with the executive director or the executive director's designee.

243 (3) If the complaint is not resolved after the mandatory mediation
244 conference, the complainant or the respondent may request the
245 commission to hold additional mediation conferences.

246 (4) The commission may dismiss the complaint if (A) a complainant,
247 after notice and without good cause, fails to attend a mandatory
248 mediation conference; or (B) the respondent has eliminated the
249 discriminatory practice complained of, taken steps to prevent a like
250 occurrence in the future and offered full relief to the complainant, even
251 though the complainant has refused such relief.

252 [(c) The] (d) If the complaint is not resolved after the mandatory
253 mediation conference held pursuant to subsection (c) of this section or
254 the executive director determines that the complaint should be
255 processed pursuant to this subsection in accordance with subdivision
256 (2) of subsection (c) of this section, the executive director [of the
257 commission] or [his] the executive director's designee shall [determine
258 the most appropriate method for processing any complaint pending
259 after review in accordance with subsection (b) of this section] assign an
260 investigator to process the complaint within fifteen days after the
261 mandatory mediation conference. The [commission] investigator may
262 conduct [mandatory mediation sessions, expedited or extended] a fact-
263 finding [conferences or] conference, a complete [investigations]
264 investigation, including, but not limited to, individual witness
265 interviews, requests for voluntary disclosure of information,
266 subpoenas of witnesses or documents, requests for admission of facts,
267 interrogatories, site visits or any other lawful means of finding facts, or
268 any combination thereof [during the investigatory process] for the
269 purpose of [finding facts, promoting the voluntary resolution of
270 complaints or] determining if there is reasonable cause for believing
271 that a discriminatory practice has been or is being committed as
272 alleged in the complaint. As used in this section and section 46a-84, as
273 amended by this act, [reasonable cause] "reasonable cause" means a
274 bona fide belief that the material issues of fact are such that a person of
275 ordinary caution, prudence and judgment could believe the facts
276 alleged in the complaint. [A complaint may be dismissed if a
277 complainant, after notice and without good cause, fails to attend a
278 mandatory mediation session. A mediator may recommend, but not
279 order, a resolution of the complaint. A complaint may be dismissed if
280 the respondent has eliminated the discriminatory practice complained

281 of, taken steps to prevent a like occurrence in the future and offered
282 full relief to the complainant, even though the complainant has refused
283 such relief.] The executive director or the executive director's designee
284 may dismiss the complaint if the complainant, after notice, and
285 without good cause, fails to attend a fact-finding conference.

286 [(d)] (e) (1) Before issuing a finding of reasonable cause or no
287 reasonable cause, the investigator shall afford each party and [his] each
288 party's representative an opportunity to provide written or oral
289 comments on all evidence in the commission's file, except as otherwise
290 provided by federal law or [any other provision of] the general
291 statutes. The investigator shall consider such comments [in] before
292 making [his determination] a finding. The investigator shall make a
293 finding of reasonable cause or no reasonable cause in writing and shall
294 list the factual findings on which it is based not later than one hundred
295 ninety days from the date of the [determination based on the review of
296 the complaint, conducted pursuant to subsection (b) of this section]
297 merit assessment review, except that for good cause shown, the
298 executive director or [his] the executive director's designee may grant
299 no more than two extensions of the investigation of three months each.

300 (2) If the investigator makes a [determination] finding that there is
301 reasonable cause to believe that a violation of section 46a-64c has
302 occurred, the complainant and the respondent shall have twenty days
303 from [receipt] sending of [notice of] the reasonable cause finding to
304 elect a civil action in lieu of an administrative hearing pursuant to
305 section 46a-84, as amended by this act. If either the complainant or the
306 respondent requests a civil action, the commission, through the
307 Attorney General or a commission legal counsel, shall commence an
308 action pursuant to subsection (b) of section 46a-89 within ninety days
309 of receipt of the [complainant's or the respondent's] notice of election,
310 [of a civil action.] If the Attorney General or a commission legal
311 counsel [, and a commissioner, believe] believes that injunctive relief,
312 punitive damages or a civil penalty would be appropriate, such relief,
313 damages or penalty may also be sought. [pursuant to said subsection.
314 Any civil] The jurisdiction of the Superior Court in an action brought

315 under this subdivision shall be limited to such claims, counterclaims,
316 defenses or the like that [would be required for the commission to
317 have jurisdiction over the complaint] could be presented at an
318 administrative hearing before the commission, had the complaint
319 remained with the commission for disposition. A complainant may
320 intervene as a matter of right in a civil action without permission of the
321 court or the parties. If the Attorney General or commission legal
322 counsel, as the case may be, determines that the interests of the state
323 will not be adversely affected, the complainant or attorney for the
324 complainant shall present all or part of the case in support of the
325 complaint. If the Attorney General or a commission legal counsel
326 determines that a material mistake of law or fact has been made in
327 [such] the finding of reasonable cause, the Attorney General or a
328 commission legal counsel may decline to bring a civil action and [, in
329 such case,] shall remand the file to the investigator for further action.
330 The investigator shall complete any such action not later than ninety
331 days after receipt of such file.

332 [(e)] (f) If the investigator issues a finding of no reasonable cause or
333 if the complaint is dismissed [(1) for failure to state a claim for relief,
334 (2) because it is frivolous on its face, (3) because the respondent is
335 exempt from the provisions of this chapter, or (4) because there is no
336 reasonable possibility that investigating the complaint will result in a
337 finding of reasonable cause or if the complaint is dismissed] pursuant
338 to subsection [(c)] (d) of this section, the complainant may file a written
339 request for reconsideration [of such finding or dismissal] with the
340 executive director [of the commission,] or the executive director's
341 designee, not later than fifteen days from the [issuance] sending of
342 such finding or dismissal. A request for reconsideration shall state
343 specifically the reasons why reconsideration should be granted. The
344 executive director [of the commission,] or the executive director's
345 designee [,] shall [reconsider] grant or reject reconsideration within
346 ninety days of the [issuance] sending of such finding or dismissal. The
347 executive director [of the commission,] or the executive director's
348 designee [,] shall conduct such additional proceedings as may be
349 necessary to render a decision on the request. [for reconsideration.]

350 [(f) Upon a determination] (g) After finding that there is reasonable
351 cause to believe that a discriminatory practice has been or is being
352 committed as alleged in the complaint, an investigator shall attempt to
353 eliminate the practice complained of by conference, conciliation and
354 persuasion within fifty days of [a] the finding. [of reasonable cause.]
355 The refusal to accept a settlement shall not be grounds for dismissal of
356 any complaint.

357 [(g)] (h) No commissioner or employee of the commission may
358 disclose, except to the parties or their representatives, what has
359 occurred in the course of such endeavors provided the commission
360 may publish the facts in the case and any complaint which has been
361 dismissed and the terms of conciliation when a complaint has been
362 adjusted. Each party and his representative shall have the right to
363 inspect and copy documents, statements of witnesses and other
364 evidence pertaining to [his] the complaint, except as otherwise
365 provided by federal law or [any other provision of] the general
366 statutes.

367 [(h)] (i) In the investigation of any complaint filed pursuant to this
368 chapter, the commission may issue subpoenas requiring the
369 production of records and other documents. [relating to the complaint
370 under investigation.]

371 [(i)] (j) The executive director [of the commission] or [his] the
372 executive director's designee may enter an order of default against a
373 respondent [(1)] who [,] (1) after notice, fails to answer a complaint in
374 accordance with subsection (a) of this section or within such extension
375 of time as may have been granted; [or] (2) [who] fails to answer
376 interrogatories issued pursuant to subdivision (11) of section 46a-54 or
377 fails to respond to a subpoena issued pursuant to subsection [(h)] (i) of
378 this section [and] or subdivision (9) of section 46a-54, provided the
379 executive director or [his] the executive director's designee shall
380 consider any timely filed objection; [or] (3) [who,] after notice and
381 without good cause, fails to attend a fact-finding conference; or (4)
382 after notice and without good cause, fails to attend a mandatory

383 mediation [session] conference. Upon entry of an order of default, the
384 executive director or [his] the executive director's designee shall
385 appoint a presiding officer to enter, after notice and hearing, an order
386 eliminating the discriminatory practice complained of and making the
387 complainant whole. The commission or the complainant may petition
388 the Superior Court for enforcement of any order for relief pursuant to
389 section 46a-95, as amended by this act.

390 Sec. 8. Section 46a-83a of the general statutes is repealed and the
391 following is substituted in lieu thereof (*Effective October 1, 2011*):

392 [(a)] If [a complaint is dismissed] (1) a complainant requests a
393 release of jurisdiction pursuant to subsection (b) of section 46a-83, as
394 amended by this act, (2) a commission legal counsel denies
395 reinstatement of a complaint pursuant to subsection (b) of said section,
396 or (3) a complaint is dismissed for failure to accept full relief pursuant
397 to subsection (c) of said section, and the complainant does not request
398 reconsideration of such dismissal as provided in subsection [(e)] (f) of
399 said section, the executive director [of the commission] shall issue a
400 release and the complainant may, within ninety days of receipt of the
401 release from the commission, bring an action in accordance with
402 sections 46a-100 and 46a-102 to 46a-104, inclusive, as amended by this
403 act.

404 [(b) The executive director of the commission may, upon the
405 complainant's request, issue a release from the commission if (1) a
406 complaint is dismissed pursuant to subsection (b) of section 46a-83,
407 and (2) the complainant requests reconsideration of the dismissal and
408 the reconsideration request has been granted or denied, or the
409 reconsideration request has not yet been acted upon in accordance
410 with subsection (e) of section 46a-83. Whenever a reconsideration
411 request has been granted or denied, a request for a release from the
412 commission shall be made within fifteen days of receipt of the notice
413 granting or denying such reconsideration request. The complainant
414 may, within ninety days of receipt of the release from the commission,
415 bring an action in accordance with section 46a-100 and sections 46a-102

416 to 46a-104, inclusive.]

417 Sec. 9. Subsection (d) of section 46a-84 of the general statutes is
418 repealed and the following is substituted in lieu thereof (*Effective*
419 *October 1, 2011*):

420 (d) The case in support of the complaint shall be presented at the
421 hearing by the Attorney General, who shall be counsel for the
422 commission, or by a commission legal counsel as provided in section
423 46a-55, as amended by this act, as the case may be. If the Attorney
424 General or the commission legal counsel determines that a material
425 mistake of law or fact has been made in the finding of reasonable cause
426 on a complaint filed pursuant to subsection (a) or (b) of section 46a-82,
427 the Attorney General or the commission legal counsel may withdraw
428 the certification of the complaint and remand the file to the
429 investigator for further action. The complainant may be represented by
430 an attorney of the complainant's own choice. If the Attorney General or
431 the commission legal counsel, as the case may be, determines that the
432 interests of the state will not be adversely affected, the complainant or
433 the attorney for the complainant shall present all or part of the case in
434 support of the complaint. No commissioner may participate in the
435 deliberations of the presiding officer in the case.

436 Sec. 10. Subsection (c) of section 46a-86 of the general statutes is
437 repealed and the following is substituted in lieu thereof (*Effective*
438 *October 1, 2011*):

439 (c) In addition to any other action taken under this section, upon a
440 finding of a discriminatory practice prohibited by section 46a-58, 46a-
441 59, 46a-64, 46a-64c, 46a-81b, 46a-81d or 46a-81e, the presiding officer
442 shall determine the damage suffered by the complainant, which
443 damage shall include, but not be limited to, the expense incurred by
444 the complainant for obtaining alternate housing or space, storage of
445 goods and effects, moving costs and other costs actually incurred by
446 the complainant as a result of such discriminatory practice and shall
447 allow reasonable attorney's fees and costs. The amount of attorney's
448 fees allowed shall not be contingent upon the amount of damages

449 requested by or awarded to the complainant.

450 Sec. 11. Section 46a-86a of the general statutes is repealed and the
451 following is substituted in lieu thereof (*Effective October 1, 2011*):

452 The Commission on Human Rights and Opportunities shall inform
453 [a] the complainant and the respondent of any finding, closure,
454 dismissal or other determination or proceeding concerning the
455 complaint filed by such complainant by [mail] first class mail, facsimile
456 machine, electronic mail or a file transfer protocol site.

457 Sec. 12. Subsection (a) of section 46a-94a of the general statutes is
458 repealed and the following is substituted in lieu thereof (*Effective*
459 *October 1, 2011*):

460 (a) The Commission on Human Rights and Opportunities, any
461 respondent or any complainant aggrieved by a final order of a
462 presiding officer or any complainant aggrieved by the dismissal of his
463 complaint by the commission for failure to attend a mandatory
464 mediation session as provided in subsection (c) of section 46a-83, as
465 amended by this act, a finding of no reasonable cause as provided in
466 subsection [(d)] (e) of said section 46a-83 or rejection of reconsideration
467 of any dismissal as provided in subsection [(e)] (f) of said section 46a-
468 83, may appeal therefrom in accordance with section 4-183. The court
469 on appeal shall also have jurisdiction to grant to the commission,
470 respondent or complainant such temporary relief or restraining order
471 as it deems just and suitable, and in like manner to make and enter a
472 decree enforcing or modifying and enforcing as so modified or setting
473 aside, in whole or in part, the order sought to be reviewed.

474 Sec. 13. Section 46a-95 of the general statutes is repealed and the
475 following is substituted in lieu thereof (*Effective October 1, 2011*):

476 (a) The commission, through the Attorney General [,] or a
477 commission legal counsel, or the complainant may petition the
478 superior court [within] for the judicial district [wherein] of Hartford,
479 the judicial district where any discriminatory practice occurred or the

480 judicial district in which any person charged with a discriminatory
481 practice resides or transacts business [.] for the enforcement of any
482 order issued by a presiding officer under [the provisions of] this
483 chapter and for appropriate temporary relief [or] of a restraining order.

484 (b) The commission shall certify and file in the court [a transcript of
485 the entire record of the proceedings sought to be enforced including
486 the pleadings and testimony upon which the order was made and the
487 finding and orders] the order of the presiding officer as part of the
488 commission's petition or upon order of the court.

489 (c) Within five days after filing [such] a petition in court, the
490 commission or the complainant shall [cause a notice of] (1) serve the
491 petition [to be sent] by registered or certified mail to all parties [or their
492 representatives] identified in the order issued by the presiding officer
493 or the representatives of such parties, and (2) file with the court an
494 affidavit stating the date and manner in which each party was served.

495 (d) The court shall: (1) [Have jurisdiction of the proceedings and of
496 the questions determined thereon, (2) have the power to grant] Grant
497 such relief by injunction or otherwise, including temporary relief, as it
498 deems just and suitable, and [(3) enter, based on the pleadings,
499 testimony and proceedings set forth in the transcript, a decree
500 enforcing, modifying and enforcing as so modified, or remanding to
501 the commission or presiding officer, in whole or in part, any order of
502 the commission or presiding officer.] (2) enter a decree enforcing any
503 order of the presiding officer. The court may remand, in whole or in
504 part, any order of the presiding officer, provided any such remand
505 shall be limited to clarifying any ambiguity in the relief ordered. The
506 court shall retain jurisdiction over the order while the presiding officer
507 complies with the remand. Unless the relief ordered by the presiding
508 officer is ambiguous, the court shall order the party in noncompliance
509 to comply immediately with the presiding officer's order. The court
510 shall award the costs of enforcement, including reasonable attorney's
511 fees, to the commission or the complainant.

512 (e) No objection or defense that has not been urged before the

513 presiding officer or that was raised or could have been raised on
514 appeal under section 46a-94a, as amended by this act, may be
515 considered by the court. [, unless the failure to urge such objection is
516 excused because of extraordinary circumstances.] Petitions pursuant to
517 this section shall be limited to resolving whether the relief ordered by
518 the presiding officer is sufficiently clear to enforce and shall not be
519 deemed an appeal of or collateral attack on the order of the presiding
520 officer.

521 [(f) If either party applies to the court for leave to adduce additional
522 evidence and shows to the satisfaction of the court that the additional
523 evidence is material and that there were reasonable grounds for the
524 failure to adduce such evidence in the hearing, the court may order the
525 additional evidence to be taken before the presiding officer and to be
526 made part of the transcript.

527 (g) The presiding officer may modify his findings as to the facts, or
528 make new findings, by reason of additional evidence so taken, and
529 shall file such modified or new findings and his recommendations, if
530 any, for the modification or setting aside of the original order.

531 (h) The findings of the presiding officer as to the facts, if supported
532 by substantial and competent evidence, shall be conclusive.]

533 [(i)] (f) The jurisdiction of the court shall be exclusive and, except for
534 a remand ordered pursuant to subsection (d) of this section, its
535 judgment and decree shall be final. [, except that the same shall be
536 subject to review by the Appellate Court, on appeal by either party,
537 irrespective of the nature of the decree or judgment. Such appeal shall
538 be taken and prosecuted in the same manner and form and with the
539 same effect as is provided in other cases of appeal to the Appellate
540 Court, and the record so certified shall contain all that was before the
541 lower court] A final decree may be appealed to the Appellate Court in
542 accordance with subsection (e) of section 51-197b.

543 [(j)] (g) Petitions filed under this section shall be heard
544 expeditiously. [and determined upon the transcript filed, without

545 requirement of printing.]

546 Sec. 14. Section 46a-98a of the general statutes is repealed and the
547 following is substituted in lieu thereof (*Effective October 1, 2011*):

548 Any person claiming to be aggrieved by a violation of section 46a-
549 64c or 46a-81e or by a breach of a conciliation agreement entered into
550 pursuant to this chapter, may bring an action in the Superior Court, or
551 the housing session of said court if appropriate within one year of the
552 date of the alleged discriminatory practice or of a breach of a
553 conciliation agreement entered into pursuant to this chapter. No action
554 pursuant to this section may be brought in the Superior Court
555 regarding the alleged discriminatory practice after the commission has
556 obtained a conciliation agreement pursuant to section 46a-83, as
557 amended by this act, or commenced a hearing pursuant to section 46a-
558 84, as amended by this act, except for an action to enforce the
559 conciliation agreement. The court shall have the power to grant relief,
560 by injunction or otherwise, as it deems just and suitable. In addition to
561 the penalties provided for under subsection (g) of section 46a-64c or
562 subsection (f) of section 46a-81e, the court may grant any relief which a
563 presiding officer may grant in a proceeding under section 46a-86, as
564 amended by this act, or which the court may grant in a proceeding
565 under section 46a-89. The commission, through [its] commission legal
566 counsel or the Attorney General, may intervene as a matter of right in
567 any action brought pursuant to this section without permission of the
568 court or the parties.

569 Sec. 15. Subsection (b) of section 46a-101 of the general statutes is
570 repealed and the following is substituted in lieu thereof (*Effective*
571 *October 1, 2011*):

572 (b) The complainant and the respondent, by themselves or their
573 attorneys, may jointly request that the complainant receive a release
574 from the commission at any time from the date of filing the complaint,
575 [until the expiration of two hundred ten days from the date of filing of
576 the complaint.] The complainant [,] or [his] the complainant's attorney
577 [,] may request a release from the commission if [his] the complaint

578 [with the commission] is still pending after the expiration of [two
 579 hundred ten] one hundred eighty days from the date of its filing or
 580 after a merit assessment review in accordance with subsection (b) of
 581 section 46a-83, as amended by this act, whichever is earlier. The
 582 executive director or the executive director's designee shall conduct an
 583 expedited merit assessment review in accordance with subsection (b)
 584 of section 46a-83, as amended by this act, if the commission receives a
 585 request for a release of jurisdiction from the complainant or the
 586 complainant's attorney prior to one hundred eighty days from the date
 587 a complaint is filed.

588 Sec. 16. Section 46a-104 of the general statutes is repealed and the
 589 following is substituted in lieu thereof (*Effective October 1, 2011*):

590 The court may grant a complainant in an action brought in
 591 accordance with section 46a-100 such legal and equitable relief which it
 592 deems appropriate including, but not limited to, temporary or
 593 permanent injunctive relief, attorney's fees and court costs. The
 594 amount of attorney's fees allowed shall not be contingent upon the
 595 amount of damages requested by or awarded to the complainant.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	1-2b(a)
Sec. 2	<i>October 1, 2011</i>	4-61dd(b)
Sec. 3	<i>October 1, 2011</i>	46a-55
Sec. 4	<i>October 1, 2011</i>	46a-82c(b)
Sec. 5	<i>October 1, 2011</i>	46a-82e(b)
Sec. 6	<i>October 1, 2011</i>	46a-82e(c)
Sec. 7	<i>October 1, 2011</i>	46a-83
Sec. 8	<i>October 1, 2011</i>	46a-83a
Sec. 9	<i>October 1, 2011</i>	46a-84(d)
Sec. 10	<i>October 1, 2011</i>	46a-86(c)
Sec. 11	<i>October 1, 2011</i>	46a-86a
Sec. 12	<i>October 1, 2011</i>	46a-94a(a)
Sec. 13	<i>October 1, 2011</i>	46a-95
Sec. 14	<i>October 1, 2011</i>	46a-98a
Sec. 15	<i>October 1, 2011</i>	46a-101(b)

Sec. 16	<i>October 1, 2011</i>	46a-104
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APP *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Human Rights & Opportunities, Com.	GF - Savings	5,000	5,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill eliminates certified mail requirements for the Commission on Human Rights and Opportunities and results in savings of approximately \$5,000 in FY 12 and FY 13.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OFA Bill Analysis**HB 6595*****AN ACT CONCERNING THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES.*****SUMMARY:**

The bill makes various changes that eliminate certified mail requirements for the Commission on Human Rights and Opportunities (CHRO).

The bill allows CHRO attorneys to be involved in whistleblower complaints.

The bill makes clarifications regarding merit assessment reviews and provides an internal, automatic review of cases dismissed during the merit assessment review process. If a complaint is not dismissed during the merit review process, the bill requires a mandatory mediation conference within 60 days. If the complaint is not resolved through the mandatory mediation, the bill allows for a request of early legal intervention.

The bill also clarifies how private attorney fees will be awarded.

Lastly, the bill changes the time period that a complainant must wait to request a release of jurisdiction from CHRO from 210 to 180 days, allowing complainants who wish to proceed in court to begin the process sooner.

EFFECTIVE DATE: October 1, 2011

COMMITTEE ACTION

Appropriations Committee

Joint Favorable

Yea 49 Nay 0 (04/25/2011)